

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/IB2004/002330	International filing date (day/month/year) 15.07.2004	Priority date (day/month/year) 17.07.2003
International Patent Classification (IPC) or both national classification and IPC B67B3/20, B67B3/28		
Applicant AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE...		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 <p>European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016</p>	<p>Wartenhorst, F</p> <p>Telephone No. +31 70 340-3641</p> 

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002330

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,4-17
	No: Claims	1,3
Inventive step (IS)	Yes: Claims	5,7-17
	No: Claims	1-4,6
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

- 1 The following document is referred to in this communication:
D1 : US 4 535 583 A (MURANAKA SHIARU ET AL) 20 August 1985 (1985-08-20)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
- 2.2 Document D1 discloses (the references in parenthesis applying to this document): A capping unit comprising a conveyor (10), a motor (8), capping assemblies provided with gripping mechanisms (13), primary drive means (15, 16) setting a capping assembly in vertical motion and secondary drive means (12) setting a gripping mechanism in rotational motion.

3 DEPENDENT CLAIMS 2-4, 6

- 3.1 Dependent claims 2-4, 6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).
- 3.2 The features of claim 3 are also considered being disclosed in document D1.
- 3.3 Document D1 discloses a capping unit from which the subject-matter of claim 2 differs in that the primary drive means comprises an electric motor instead of the piston/cylinder actuation means.

It is however generally known to the person skilled in the art that the feature electric motor is an equivalent to the feature piston/cylinder actuation means of document D1 and can be interchanged with that feature where circumstances make it desirable.

Hence, no inventive step is considered to be present in the subject-matter of claim

**WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)**

International application No.
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2 and consequently also of the claims 4 and 6 as the other features of these claims are considered to be disclosed in D1.

- 4 The combination of the features of dependent claim 5 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:
There is no reference in the prior art cited to controlling the primary and secondary electric motors, by means of the operating parameters, according to the dimensions of the containers and thereby, rendering the capping unit versatile and suitable for use with many types of containers irrespective of their size.